

REMARKS

Claims 1-26 are cancelled.

Claims 27-31 are pending.

Claims 27-31 are rejected.

The final office action dated 24 March 2009 indicates that claim 27 is rejected under 35 USC §102(e) as being anticipated by Webb US 2004/0257225 and that claims 27-31 are rejected under 35 USC §102(e) as being anticipated by newly cited Peel U.S. Publication No. 20080117040.

The rejection of base claim 27 is respectfully traversed. Neither Webb nor Peel discloses a container security unit (CSU) in which frequency of reporting is a function of the geographic location of a cargo container. The office action even acknowledges that neither Webb nor Peel discloses this feature. However, it does not argue that the feature is inherent. It simply alleges that the feature "in considered to be intended use system."

There is no legal basis for rejecting a claim on such grounds, under either section '102 or section '103. There is no evidentiary basis to reject claim 27 on such grounds. Neither Webb nor Peel suggests a container security unit in which frequency of the reporting is a function of the geographic location of the container. For this reason alone, the '102 rejections 27-31 should be withdrawn.

The office action also appears to ignore claim limitations. It alleges that both Webb and Peel disclose all structures limitations of claim 27. However, the allegation is irrelevant. The test for anticipation under section '102 is whether a cited document discloses all limitations of a claim. The office action ignores the functional limitations of claim 27. This is legal error. For this additional reason, the '102 rejections 27-31 should be withdrawn.

The '102 rejection of claim 28 and its dependent claims is traversed because Peel does not teach or suggest a CSU bridge. A bridge, in network parlance, is a

device that connects multiple network segments at the data link layer (layer 2) of the OSI model (see, e.g., http://en.wikipedia.org/wiki/Network_bridge). Peel only discloses a bridge of a cargo ship.

Page 4 of the office action appears to provide an interpretation of a bridge. However, the interpretation does not comply with MPEP 2111, which states that pending claims must be "given their broadest reasonable interpretation consistent with the specification" and that the broadest reasonable interpretation of the claims must also "be consistent with the interpretation that those skilled in the art would reach." The office action does neither.

Base claims 32 and 33 are new. The new base claims recite a cargo system that can communicate with a remote network operations center. For instance, new claim 32 recites a CSU that reports on the status of a cargo container. The CSU operates in a high power communications (e.g., satellite) mode during shipment to communicate with the network operations center. The CSU switches to a low power wireless network mode to communicate with the network operations center when wireless network communication is available.

Neither Peel nor Webb discloses such a CSU. Peel discloses a cargo system including cargo containers aboard a ship. The containers are networked together to form a piconet. The piconet can communicate with a remote entity (e.g., a Coast Guard vessel) using either satellite communications or high power radio. Radio is used as backup in the event the satellite communication fails. One of the containers can communicate via satellite and radio, or the network can communicate with the ship's bridge, and the ship's bridge can communicate via satellite or radio with a remote entity such as a Coast Guard vessel. Peel is silent about switching from a high power communication mode to a lower power wireless network mode during communications with a network operation center, Coast Guard vessel, or other remote entity.

Webb is also silent about switching between high and lower power communication modes. Figure 7 of Webb illustrates a communicating intelligent agent 200. The agent 200 includes an antenna 242 for receiving GPS position data (paragraph 68, lines 6-9). The agent 200 also includes a self-contained power source 270 and electronics for allowing the agent to remain in a sleep mode over an extended period of time (paragraph 69, lines 1-7).

The agent appears to communicate with a global operations monitoring and analysis center (GOMAC) 50 when a possible violation to the health or integrity of the container is detected (paragraphs 57 and 73). Paragraphs 76 and 77 appear to suggest additional communication between loading dock and origination point. However, these paragraphs do not teach or suggest a CSU that switches from a high power communication mode to a lower power wireless network mode in order to save battery power.

Therefore, new base claims 32 and 33 should be allowed over the Webb and Peel, alone and in combination. Claims 28-31 should also be allowed, since they have been amended to depend from base claim 32.

The Examiner is encouraged to contact the undersigned to discuss any remaining issues before mailing another office action.

Respectfully submitted,

/Hugh Gortler #33,890/
Hugh P. Gortler
Reg. No. 33,890
(949) 454-0898
Date: June 24, 2009